

### **REMARKS**

This responds to the Office Action mailed on February 15, 2008.

Claims 1, 4, 9, 17, 18, 26, 32, 34, and 38 are amended. Claims 1-38 are now pending in this application.

#### **§101 Rejection of the Claims**

Claim 34 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 34 has been amended to specify that an IBGC system includes an IBGC card and that information on the card causes other recited IBGC system elements to process transactions initiated at a POS device by use of the card. It is thus believed to satisfy the requirements for subject matter eligibility under 35 U.S.C. § 101.

#### **§112 Rejection of the Claims**

Claims 4, 18-32, 34 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. The claims have been amended consistent with discussions during the interview of March 13, 2008, and are believed to satisfy §112.

#### **§102 Rejection of the Claims**

Claims 1, 5, 17 were rejected under 35 U.S.C. § 102(b) for anticipation by Carroll et al. (US 2002./0023026).

Carroll et al., describes an investment account, not a gift card account as set forth in claims 1, 5 and 17. The fact that it is an investment account is clearly described at least in paragraph [0011] of Carroll et al., where it states that an actual financial account with a guardian is required on the behalf of a minor. While Carroll et al., refers to the ability to use a gift certificate to fund the financial account, gift certificates are merchant specific and very different from gift cards and a gift card account that can be invested in sub-accounts as described and claimed. In this instance, the gift certificate referred to in Carroll et al., appears to be specific to the investment account. Once deposited, there is no gift card, and no gift card account, only a financial account. It is respectfully requested that the rejection be withdrawn.

§103 Rejection of the Claims

Claims 2-4, 6-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carroll et al. Claims 2-4 and 6-10 are believed patentable for at least the same reasons as claim 1. Carroll et al., does not describe a gift card account as claimed. Further differences are also believed to help distinguish from Carroll et al., and applicant reserves the right to elaborate on such differences at a later time.

Claims 1-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kang (KR2001000910) in view of Carroll et al.

Kang appears to describe a gift certificate limited to a merchant. There is no account in Kang corresponding to the gift certificate. Rather, interest is calculated only when the gift certificate is used, and is calculated based on the issuance date of the gift certificate: "the certificate amount is transferred to the branch office's loan reception account". This statement makes it clear that there is no concept of an investment account associated with the card or a card holder. The account in Kang is associated with a branch office, and appears to be a single loan reception account for funds from purchased gift certificates. Amounts of purchases using the gift certificates are settled from the single loan reception account. Thus, while Kang mentions an account, it is not a gift card account as claimed.

As indicated above, Carroll et al., does not describe a gift card account. Therefore, it is believed that the combination does not teach or suggest the claims, which refer to a gift card account, sub-accounts, and the ability to invest funds in such accounts to earn investment income.

Some claims have been modified to indicate that an owner of a card is identified, clearly distinguishing the database of Kang that does not describe any mechanism to identify the owner of a particular gift certificate.

Further claims have been amended to make it clear that the gift card works at multiple merchants. This also distinguishes from both Kang, which appears merchant specific, and from Carroll et al., which does not describe any form of gift card account and is also merchant specific. The gift certificate in Carroll et al., can only be used to add funds to a separate investment account.

It should be noted that claims 36 and 37 depend from claim 35, and are believed allowable for at least the same reasons. Claim 38 is written in means plus function format, and also clearly identifies, as amended, that the gift card operates with multiple vendors coupled to the banking debit network.

Regarding claims 11-16, and 26-31, the Office Action took Official Notice that "there typically are eligibility rules/restrictions associated with redeeming funds from a gift card/certificate account balance, such as a maximum amounts and restrictions to participating merchant/categories." Applicant respectfully traverses such Official Notice and respectfully requests a reference or examiner affidavit to support such statements. Applicant is not aware of any gift card account as described in independent claims 9 and 26, from which claims 11-16 and 27-31 depend respectively that has filters applied to transactions using them. While merchant issued gift certificates are usually limited to the merchant that issued it, such limitations are carried out at the merchant level, and are simply not comparable to the method of interacting with the gift card as claimed. Further, the claim language referring to filters does not correspond to a balance available check that may be performed for existing gift cards. A filter is in addition to such a check as is clear from the detailed description and as would be understood by one of average skill in the art. Thus, once the initial balance available check is performed, there are no known maximum amounts or categories that may be applied to gift card accounts, and any restrictions to merchants is carried out at the merchant level, not by a gift card account applying a filter. It is respectfully requested that the Official Notice be withdrawn.

In paragraph 20 of the Office Action regarding claims 32-35, it is stated that Kang teaches verification over a computer network between the branch office and the POS. The Office Action further indicates that it would have been obvious to have used approved banking identifiers for the accounts of Carroll et al so that deposits, withdrawals and redemptions can occur in near real time over a network. Applicant respectfully traverses this rejection, as Kang clearly uses a private network between the branch office and the POS. There is no need for use of a banking network as claimed. Since Kang describes a private network and a merchant specific gift certificate, there would be no benefit to involve the complexities and additional overhead of obtaining a unique identification number approved by the American Banking Association as claimed.

**CONCLUSION**


Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 4/29/2008

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29 day of April 2008.

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